

Message Text

SECRET

PAGE 01 USBERL 01138 01 OF 02 281606Z
ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
-----281657Z 030576 /41

R 281500Z APR 77
FM USMISSION USBERLIN
TO SECSTATE WASHDC 4472
INFO AMEMBASSY BONN
AMEMBASSY LONDON
AMEMBASSY PARIS
AMEMBASSY BERLIN UNN

S E C R E T SECTION 1 OF 2 USBERLIN 1138

EXDIS

E.O.11652: GDS
TAGS: PGOV, PINT, PFOR, EGEN, GW, GE, WB, UK
SUBJECT: REMAINING DISTINCTIONS BETWEEN EAST BERLIN AND THE GDR

REF: (A) BONN 6494, (B) BERLIN 5817, (C) USBERLIN 358, (D) 66
BERLIN A-62

1. SUMMARY. REMAINING DISTINCTIONS BETWEEN EAST BERLIN
AND THE GDR WHICH RESULT FROM ALLIED RIGHTS IN BERLIN CAN
BE GQOUPED INTO TWO BROAD CATEGORIES: THE AIR REGIME AND
ALLIED MOVEMENT THROUGHOUT ALL FOUR SECTORS OF THE CITY.
END SUMMARY.

I - AIR REGIME

2. THE ALLIED RIGHT TO GET TO BERLIN, INSEPARABLE FROM
THE RIGHT TO BE IN BERLIN, IS THE BASIS FOR THE CREATION
IN 1945 OF A DISTINCT TYPE OF AIR SPACE ABOVE BERLIN AND
THE TERRITORY WHICH LATER BECAME THE GERMAN DEMOCRATIC
REPUBLIC. THIS AIR SPACE, CONSTIUTING THE THREE
ACCESS CORRIDORS FROM THE WEST AND THE "BERLIN CONTROL
ZONE" (BCZ) WAS DEFINED DURING THE FIRST YEAR OF THE

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ALLIED OCCUPATION OF GERMANY IN A QUADRIPARTITELY
AGREED DOCUMENT KNOWN AS DAIR/P(45)71, SECOND REVISE,
"FLIGHT RULES FOR AIRCRAFT FLYING IN AIR CORRIDORS OF
GERMANY AND BERLIN CONTROL ZONE", DATED 22 OCTOBER 1946.
IN THIS DOCUMENT THE BCZ IS DEFINED AS THE AIR SPACE
BETWEEN GROUND LEVEL AND 10,000 FEET WITHIN A RADIUS
OF 20 MILES FROM THE ALLIED CONTROL AUTHORITY BUUILDING IN

THE AMERICAN SECTOR OF BERLIN. THE BCZ IS FURTHER DESCRIBED AS A "ZONE FO FREE FLIGHT FOR ALL AIRCRAFT ENTERING THE ZONE TO LAND ON BERLIN AIR FIELDS OR TAKING OFF TO DEPART THERE FROM". IN ADDITION TO THESE ACCESS FLIGHTS, THE QUDRIPARTITE FLIGHT RULES DEFINE THE CATEGORY OF "LOCAL FLIGHTS" FOR THE PURPOSE OF "TESTING, TRAINING, ETC." AND STATE IT IS DESIRABLE THAT THEY BE EXECUTED ABOVE THE "NATIONAL SECTORS. HOWEVER, IF NECESSARY, THEY MAY BE EXECUTED ABOVE THE REMAINDER OF THE CONTROL ZONE, SUBJECT TO NORMAL CLEAR-ANCE BY THE BERLIN AIR SAFETH CENTER".

3. BERLIN, INCLUDING EAST BERLIN, AS WELL AS SURROUNDING GDR TERRITORY LIES BENEATH THE BERLIN CONTROL ZONE.

4. TODAY FLIGHTS IN THE BCZ STILL FALL INTO THE TWO GENERAL CATEGORIES OF ACCESS FLIGHTS AND LOCAL FLIGHTS. ACCESS FLIGHTS ARE CARRIED OUT BY THE FIXED WING ALLIED CIVIL AND MILITARY AIRCRAFT WHICH REGULARLY FLY OVER EAST BERLIN AS A PART OF THEIR APPROACH AND DEPARTURE PATHS FROM THE IARPORTS IN THE WESTERN SECOTRS. LOCAL FLIGHTS DO PROVIDE ESSENTIAL TRAINING AND TESTING OF CIVIL AND MILITARY PILOTS AND IR TRAFFIC CONTROLLERS. ALSO, MILITARY LOCAL FLIGHTS BY ALL THREE ALLIES PROVIDE AN EXCELLENT OPPORTUNITY FOR LOW LEVEL PHOTO-RECONNAISSANCE. THE PRODUCT OF THE REGULAR ACTIVITY IS CONSIDERED EXTRAORDINARILY VALUABLE BY THE NATIONAL INTELLIGENCE COMMUNITY. (IN ADDITION, ALLIED MILITARY ARICRAFT CONDUCT INTELLIGENCE GATHERING MISSION IN BERLIN CONTROL ZONE USING AIRCRAFT BASE

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IN THE FRG.) THE BRITISH AND AMERICAN FORCES IN BERLIN OPERATE HELICOPTERS IN THE BCZ BUT ONLY IN THE AIR SPACE OVER THE WESTERN SECTORS. UNTIL DECEMBER 1964 THE US OCCASIONALLY FLEW HELICOPTERS OVER EAST BERLIN (66 BERLIN A-626). THESE HELICOPTERS MAKE A DAILY VISUAL RECONNAISSANCE OF THE BOUNDARY OF THE WESTERN SECTORS, PERFORM VIP ORIENTATION FLIGHTS, AND SUPPORT TROOP TRAINING.

5. AS REGARDS THE SPECIAL EXPRESSION OF ALLIED RIGHTS IN THE AIR SPACE OVER EAST BERLIN, WE THINK THE OPERATION OF ACCESS AND LOCAL FLIGHTS ARE FIRMLY GROUNDED IN ALLIED AGREEMENT AND PRACTICE OF LONG STANDING. AS A PRACTICAL MATTER, GIVEN THE EAST/WEST ORIENTATION OF RUNWAYS AT THE AIRPORTS WITHIN WEST BERLIN AND GIVEN THE PROXIMITY OF THE WALL, THERE IS NO SAFE WAY IN WHICH EITHER LOCAL ORACCESS FLIGHTS USING THESE AIRPORTS CAN SAFELY AVOID OVERFLYING EAST BERLIN. LOCAL FLIGHTS HAVE BEEN CHALLENGED SINCE 1955 BY THE SOVIETS IN BASC WHO STATE THE FLIGHTS MAY TAKE PLACE

"ONLY OVER WEST BERLIN". WHEN THE ALLIED CONTROLLER
REBUTTS THIS POINT THE SOVIETS APPLY THEIR MUCH-USED
"SAFETY OF FLIGHT NOT GUARANTEED" STAMP.

6. THE GDR HAS OBJECTED TO BOTH TYPES OF FLIGHTS OVER
EAST BERLIN. OBJECTIONS TO ACCESS FLIGHTS HAVE TAKEN
THE FORM OF COMPLAINTS, SOME OF THEM PUBLIC, ABOUT AIR
NOISE VOICED AS EARLY AS 1960 BY ULBRICHT. AS REGARDS
LOCAL FLIGHTS THE GDR IS ON THE PUBLIC RECORD THAT THEY
ARE ILLEGAL. ON JUNE 24, 1965, THE GDR FOREIGN MINISTER
MADE A STATEMENT IN A POLICY SPEECH AT THE TENTH PLENUM.
HE NOTED THAT THERE HAD ONCE BEEN A FOUR POWER AGREEMENT
WHICH AMONG OTHER THINGS ESTABLISHED THE BERLIN CONTROL
ZONE AS A 20-MILE RING AROUND THE FORMER GERMAN CAPITAL.
HE CLAIMED THAT THERE WAS A FOUR POWER 1946 AIR AGREE-
MENT WHICH PROVIDED FOR LOCAL FLIGHTS ONLY OVER NATIONAL
SECTORS. HE SAID IF THE ALLIES QUOTE WISH TO FLY OVER
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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
-----291124Z 048319 /11

R 281500Z APR 77
FM USMISSION USBERLIN
TO SECSTATE WASHDC 4471
INFO AMEMBASSY BONN
AMEMBASSY LONDON
AMEMBASSY PARIS
AMEMBASSY BERLIN UNN

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EXDIS

OTHER PARTS OF BERLIN...THEY REQUIRED THE AGREEMENT
OF THE OTHER OCCUPYING POWERS. IN THE CAPITAL OF THE

GDR THERE IS NO OCCUPATION REGIME, AND ACCUPPATION REGULATIONS NO LONGER HAVE ANY VALIDITY. THEREFORE IF THE AVIATION AUTHORITIES OF THE OCCUPYING POWERS IN WEST BERLIN WISH TO CONDUCT LOCAL FLIGHTS OVER THE CAPITAL OF THE GDR AND OBSERVE THE OLD REGULATION, THEY WILL HAVE TO APPROACH THE MAIN ADMINISTRATION FOR AVIATION OF THE MINISTRY FOR TRANSPORT AND OBTAIN ITS AGREEMENT EVEN IF SUCH A COURSE OF ACTION IS NOT TO THEIR TASTE. ANY OTHER PROCEDURE IS A BREACH OF INTERNATIONAL LAW AND A VIOLATION OF INTERNATIONAL AVIATION LAW UNQUOTE.

7. LOCAL FLIGHTS ARE IN SOME WAYS ANALOGOUS TO FLAG TOURS. THEY FLY AS LOW AS 500 FEET AND ARE IDENTIFIABLE BY PERSONS ON THE GROUND AS ALLIED AIRCRAFT. HOWEVER, FLAG TOURS HAVE A DEMONSTRATIVE POLITICAL MISSION TO WHICH INTELLIGENCE COLLECTION IS INCIDENTAL, WHEREAS A MAJOR PURPOSE OF LOCAL FLIGHTS IS INTELLIGENCE GATHERING.

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II - ALLIED MOVEMENT THROUGHOUT THE FOUR SECTORS OF BERLIN.

8. AS WITH AIR ACCESS, WE CONSIDER OUR RIGHT TO CIRCULATE THROUGHOUT THE CITY TO STEM FROM THE ALLIED VICTORY OVER THE THIRD REICH AND NOT FROM ANY AGREEMENT (NOTWITHSTANDING THE LONDON PROTOCOLS ON GREATER BERLIN) OR ARRANGEMENTS WITH THE SOVIET UNION. HOWEVER, OVER THE YEARS OUR EXERCISE OF OUR CLAIMED RIGHT HAS BEEN RESTRICTED EITHER BY SOVIET/GDR OBSTRUCTION OR BY OUR OWN INTERNAL DECISIONS. IN ADDITION, THE ACTUAL PRACTICE OF ACCESS TO EAST BERLIN VARIES IN SOME DETAILS AMONG THE THREE WESTERN ESTABLISHMENTS HERE. ACCORDINGLY, WHILE CURRENT PRACTICE REFLECTS OUR RIGHTS OF FREE CIRCULATION THROUGHOUT THE CITY, THE EXACT PRACTICES SHOULD NOT BE CONSIDERED THE OUTER LIMITS OF EXISTING ALLIED RIGHTS IN THIS AREA. INDEED THE ALLIED FORCES, AND PARTICULARLY THE AMERICANS, HAVE NOW ACCESS TO EAST BERLIN IN MUCH GREATER NUMBER, AND BY MORE NUMEROUS MEANS THAN THEY DID IN THE YEARS IMMEDIATELY FOLLOWING THE ERECTION OF THE WALL WHEN CIVILIAN ACCESS WAS SHARPLY CURTAILED (USBERLIN 0358).

9. FORMS OF ALLIED EXERCISE OF ACCESS RIGHTS ARE:

A. UNIFORMED ALLIED SERVICEMENT ON FOOT. THIS IS THE PUREST FORM OF UNCONTROLLED ACCESS. SERVICEMEN MAY ENTER AND EXIT EAST BERLIN WITHOUT SUBMITTING TO ANY IDENTITY CHECKS AS THEIR UNIFORM CONSTITUTES THEIR

LAISSEZ-PASSER.

B. ACCESS ON FOOT BY CIVILIAN MEMBERS OF THE FORCES
DISPLAYING THE COVER AND PICTURE PAGE OF DIPLOMATIC
PASSPORTS.

C. UNIFORMED PERSONNEL AND/OR CIVILIAN PERSONNEL
DISPLAYING BERLIN FORCES ID CARDS, IN OFFICIAL MILITARY
OR CIVILIAN VEHICLES WITH SEVERAL TYPES OF LICENSE
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PLATES.

D. UNIFORMED PERSONNEL AND/OR CIVILIAN DISPLAYING
BERLIN FORCES ID CARDS IN PRIVATELY OWNED VEHICLES
HAVING SEVERAL TYPES OF LICENSE PLATES.

E. VISITORS TO BERLIN DISPLAYING THE COVER AND
PICTURE PAGE OF A DIPLOMATIC PASSPORT IN ANY OF THE
ABOVE TYPES OF VEHICLES.

F. VISITORS TO BERLIN DISPLAYING THE COVER AND
PICTURE PAGE OF ANY KIND (DIPLOMATIC, OFFICIAL, TOURIST)
PASSPORT FROM AN OFFICIAL VEHICLE WITH AN UNIFORMED
MILITARY PERSON ALSO IN THE VEHICLE.

G. UNIFORMED SERVICEMEN AND/OR PERSONS DISPLAYING
THE COVER AND PICTURE PAGE OF A DIPLOMATIC PASSPORT
VIA S-BAHN OR U-BAHN.

H. CIVILIANS DISPLAYING BERLIN FORCES ID CARDS AND/OR
UNIFORMED MILITARY MEMBERS OF THE ALLIED FORCES IN
VEHICLES IN ANY OF THE THREE ALLIED EMBASSIES IN EAST BERLIN.
SINCE THE WALL, THIS ACCESS HAS BEEN CONFINED TO THE
FRIEDRICHSTRASSE CROSSING POINT OPPOSITE CHECKPOINT
CHARLIE AND THE FRIEDRICHSTRASSE STATION.

10. FROM THE ABOVE IT IS APPARENT THAT THERE ARE
NUMBEROUS PERMUTATIONS OF HOW WE GO ABOUT EXERCISING
OUR RIGHT TO ACCESS TO EAST BERLIN, BUT THEY BOIL
DOWN TO THE THREE MAIN ELEMENTS DESCRIBED IN USBER 0358,
NAMELY, (1) THE ABILITY TO ENTER WITHOUT CONTROL OTHER
THAN A VERY SIMPLE IDENTIFICATION PROCEDURE SUFFICIENT
TO ESTABLISH TRAVELER'S ENTITLEMENT TO EXERCISE THE
RIGHT OF FREE CIRCULATION IN BERLIN, (2) OPERATION OF
FLAG TOURS, AND (3) WEARING THE UNIFORM.

11. WE THINK ALL THREE OF THESE ELEMENTS ARE ESSENTIAL TO
EXERCISE OF SPECIAL ALLIED RIGHTS WHICH SHOULD NOT BE
TAMPERED WITH AND WE HOPE THAT BONN GROUP CAN ACHIEVE
CONSENSUS AS TO THEIR IMPORTANCE.DAVIS

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
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Concepts: SOVEREIGNTY, REPORTS, BERLIN QUADRIPARTITE MATTERS, FOREIGN POLICY POSITION, STATUS OF BERLIN
Control Number: n/a
Copy: SINGLE
Sent Date: 28-Apr-1977 12:00:00 am
Decaption Date: 22 May 2009
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
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Disposition Comment: 25 YEAR REVIEW
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From: USBERLIN
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